

MINUTES
Crested Butte Town Council
Regular Meeting
Crested Butte Town Hall
Monday, October 17, 2005

Mayor James Schmidt called the meeting to order at 7:05 p.m. Council members present: Margot Levy, Ron Chlipala, Bill Coburn, Michael Helland, Alan Bernholtz and Skip Berkshire. Staff present: Town Manager Frank Bell, Town Attorney Laura Magner, Town Clerk Eileen Hughes, Building Official Bob Gillie (for part of the meeting) and Design Review Coordinator Molly Minneman.

Schmidt noted council discussed the draft 2006 budget in work session prior to the regular council meeting.

Approval of the minutes of the October 4, 2005 regular council meeting.

Coburn moved and Levy seconded to approve the minutes as amended. Roll call vote taken with all voting yes. **Motion passed unanimously.**

1. **PUBLIC COMMENTS** –None

2. **COUNCIL COMMENTS**

Chlipala:

- The Mountain Express Board reviewed applications for the Transit Director's position.

Berkshire:

- Suggested Council draft a proclamation expressing appreciation and respect for Crested Butte resident Jim Gebhart who recently passed away. Schmidt volunteered to work on a proclamation with Bell.

Levy:

- Attended the recent Solar Fair at the Crested Butte Community School.
- Reported that Levy, Berkshire and Magner interviewed municipal judge candidates and are now in the process of checking references. She said they expect to bring a recommendation to council at the November 7, 2005 meeting.

Schmidt:

- Attended a recent Mayor/Manager meeting in Gunnison. The city of Gunnison is conducting a search for a new Town Manager. Western State College officials are concerned about the possible failure of ballot measures C and D. Schmidt urged folks to vote yes on C and D.
- Reported from the Rural Transportation Authority (RTA) that 3,800 more people are booked on winter flights into the Gunnison-Crested Butte airport than at this time last year.

3. **PUBLIC HEARINGS**

A) Transfer of Hotel and Restaurant Liquor License from Neener Mountain Inc dba Black Whale 303 Elk Avenue to Vertigo Ventures LLC dba Lobar. Vertigo Ventures owners Kyleena Graceffa and Benjamin Diem were present.

Graceffa explained the Lobar will be a sushi bar and lounge.

Chlipala moved and Levy seconded to approve the transfer of liquor license from Neener Mountain Inc to Vertigo Ventures Inc. Roll call vote taken with all voting yes. **Motion passed unanimously.**

B) Consideration of Appeal by Brad Holleran of a Decision by the Board of Zoning and Architectural Review Concerning Roof of Residence Located at 2 Butte Avenue Block 6, lots 5 and 6 in the R-1 zone.

Coburn excused himself and left the room. He explained that he was involved in the design of Holleran's project. Levy disclosed that she visited the site. Schmidt disclosed that he spoke with Bob Gillie in the Building Department and inquired how many buildings in town had the type of roof Holleran was requesting. Schmidt also noted that he visited the site and toured town looking at roofs. Helland disclosed that he also visited the site and toured town.

Attorney David Leinsdorf and Kat Hassebroek were in attendance representing proponent Brad Holleran. Leinsdorf reviewed photos and text documents submitted by Brad Holleran. Leinsdorf said he disagreed with BOZAR's contention that Holleran's roof is excessively dissimilar from other structures in the neighborhood. Leinsdorf said there's already a hodgepodge of different types of roofs in the neighborhood.

Schmidt requested that documents submitted by Holleran; a memo dated October 7, 2005 from Design Review Coordinator Molly Minneman; and a memo dated October 10, 2005 from Town Attorney Laura Magner be entered into the record.

Minneman presented information on BOZAR's decision and cited Design Guidelines BOZAR used to make a determination. Minneman and Building Official Bob Gillie also fielded questions from the council. BOZAR members Keith Bauer, Sean Norton, Linda Beck and Melissa Beltz also fielded questions from council and spoke in support of BOZAR's decision to deny the requested roofing material (rusted steel corrugated roofing or RCM 75).

Staff, Council, BOZAR members, and the proponent's representatives discussed different types of metal roofing materials, various Design Guidelines, and the appropriateness of the requested roofing material for this application.

Levy moved and Bernholtz seconded to uphold BOZAR's decision regarding denial of roofing material requested by Brad Holleran for application at residence located at 2 Butte Avenue. The motion to uphold BOZAR is based on inappropriateness as to historic architectural design. The motion is supported by Design Guidelines cited by Design Review Coordinator Molly Minneman in memo dated October 7, 2005; Design Guidelines cited by Town Attorney Laura Magner in memo dated October 10, 2005 and the Design Guidelines cited by BOZAR members at tonight's meeting. In addition, the motion is supported by

the finding that the new material (RCM 75) does not meet Design Guideline 4.49 C.

Roll call vote taken with Berkshire, Levy and Bernholtz voting “Yes” and Schmidt, Chlipala and Helland voting “No.” Tie Vote. **BOZAR decision is upheld.**

Bill Coburn returned to the meeting following the vote.

4. **NEW BUSINESS**

A) Resolution No. 10, Series 2005-A Resolution Authorizing the Town to Enter Into an Intergovernmental Agreement with the State Department of Transportation, Division of Transportation Development, For the Provision of Public Transportation Services in the Crested Butte Nonurbanized Area.

Schmidt read the title of the resolution. Mountain Express Transportation Director Scott Truex explained the resolution provides for an intergovernmental agreement with the State Department of Transportation to allow the pass-through of federal transportation funds.

Bernholtz moved and Helland seconded to approve Resolution No. 10, Series 2005. Roll call vote taken with all voting yes. **Motion approved unanimously.**

B) Resolution No. 11, Series 2005-A Resolution Designating An Area of Town Property Located on the Town Ranch Immediately South of the Left Field Fence of Tommy Villaneuva Field, and Adjacent To and West of the Current Alignment of the Gravel Pit Road, As the Preferred Site of a Proposed Indoor Ice and Recreation Facility; and Directing Further Study as to the Suitability of Said Site to Include the Conceptual Design of Such Facility.

Schmidt read the title of the resolution and noted the topic was discussed prior to the meeting during work session regarding the proposed 2006 budget. Bell explained the resolution is specific to the building envelope for a proposed Indoor Ice and Recreation Facility and the resolution leaves road access options open (i.e. it does not address road access).

Levy moved and Bernholtz seconded to approve Resolution No. 11. Roll call vote taken with all voting yes. **Motion passed unanimously.**

C) Ordinance No. 15, Series 2005- An Ordinance Amending the Code with Respect to the Size and Purchase of Cemetery Lots.

Schmidt read the title of the ordinance. Bell explained the ordinance will allow for the development of smaller plot sizes. Hughes pointed out that if lots sales continue at the current rate (30 lots per year) lots will be sold out in sixteen years. She explained the cemetery is still in the process of being re-surveyed but the surveyor indicated that it will be possible to make some smaller plots available in early November.

Several council members indicated support for making smaller cemetery plots available. Chilipala said he was opposed to subdivision of cemetery plots because old-timers are against dividing up available plots.

Bell explained that staff could designate areas to subdivide and come back to council but the ordinance did not need a provision regarding subdividing the cemetery.

Magner said some cemeteries have rules that stipulate that lots revert back to the municipality operating the cemetery if a purchased lot remains empty for a certain period of time. Council directed staff to research how other cemeteries handle lots that have been purchased but remain empty for a long period of time.

Levy moved and Bernholtz seconded to set Ordinance No. 15, 2005 for public hearing on November 7, 2005.

D) Ordinance No. 16, Series 2005-An Ordinance Amending Article 5-2 of the Town Code To Continue to Provide a Temporary Reduction to Certain Provisions of the Business and Occupation Licensing Tax for Fiscal and Calendar Year 2006; and Providing the Automatic Repeal Thereof Effective on the First Day of January 2007.

Schmidt read the title of the ordinance and noted the ordinance continues changes to the BOLT tax and is the same as an ordinance approved last year.

Levy moved and Bernholtz seconded to set Ordinance No. 16 for public hearing on November 7, 2005.

6. LEGAL MATTERS/TOWN ATTORNEY

- Reported she recently sent a letter to the attorney representing the proponents of the Whetstone Business Park. Magner said the letter is almost identical to a March 14, 2005 letter Town Manager Frank Bell sent to the Gunnison County Board of Commissioners.
- She attended the Colorado Municipal League (CML) Attorneys conference and discussed the Real Estate Transfer Tax with her colleagues from other municipalities. Telluride is having similar issues as the Town of Crested Butte, regarding the RETT and is making progress on plugging loopholes that are being used to circumvent payment of the RETT.

7. STAFF REPORTS

Hughes:

- Reported on concerns she was receiving from voters regarding the current mail ballot election. She explained that several people asked to drop off ballots at Town Hall at times when the County Clerk's branch office was closed. Magner noted a discrepancy on the mail ballot regarding using pen or pencil (the privacy sleeve says use pen and the ballot says pencil).

Council directed Hughes to put a sign up at the door to Town Hall regarding times when the ballots can be dropped off at the County Clerk's Branch Office and noting that the Town cannot accept ballots.

Bell:

- Reported he has a pamphlet regarding a Brownfields conference in Denver (sponsored by U.S. Environmental Protection Agency (EPA) and the International City/County Managers Association). The conference concerns environmental issues such as environmental redevelopment and rural communities.
- Asked if council wanted him to provide more information regarding an upcoming Gunnison County Affordable Housing Conference so council can reconsider whether or not the Town wants to help support the conference. Council agreed Bell should provide more information.
- Reported Region 10 is interested in conducting a second homeowners study for this area and would like the Town to help fund the study. Council directed Bell to bring back more information.
- Reported the Crested Butte Nordic Council wants to request a contingency grant from the Town to help pay for a snow cat. Bell explained that the Nordic Council would repay the grant with funds from a capital campaign. Council indicated support for an interest-free loan and said the Nordic Council should bring more information to the council.

8. **COUNCIL REPORTS AND COMMITTEE UPDATES**-None

9. **OTHER BUSINESS TO COME BEFORE COUNCIL** –

Levy noted that during the work session prior to the regular meeting, Crested Butte/Mt. Crested Butte Chamber of Commerce Director Mark Ewing asked the Town to join a subcommittee of Town Managers, the County Commissioners and one representative from the town councils of Gunnison, Crested Butte and Mt. Crested Butte to discuss funding for a special events coordinator. Levy volunteered to serve.

Bernholtz sent out regards and best of luck to the rest of the council noting this could be his last council meeting (due to upcoming election November 1). Bernholtz said he enjoyed working with everyone the past six years. Schmidt noted that the council still has a work session on October 20 and a special meeting on October 24, 2005.

10. **COUNCIL MEETING SCHEDULING**

No discussion.

Schmidt adjourned the meeting at 9:16 p.m. by unanimous consent.

James A. Schmidt, Mayor

Eileen Hughes, Town Clerk

